

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald J. Larnard, et al.

Application No.: 10/646,262

Group Art Unit: Not yet Assigned

Filing Date: 8/22/2003

Examiner: Not yet Assigned

Entitled: CONFORMAL PAD FOR  
NEUROSURGERY AND  
METHOD THEREOF

Docket No.: 22521-4CIP

Certificate of Mailing (37 C.F.R. 1.8(a))

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INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08A. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The attached Form PTO/SB/08A provides a listing of information which may be relevant to the subject application. This Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

Applicants note that the subject Application relies on pending U.S. Patent Application No. 09/971,016, filed 10/04/2001, entitled EXPANDABLE DEVICE FOR THERMAL THERAPY INCLUDING SPIRAL ELEMENT, for an earlier effective filing date under 35 U.S.C. §120, and the Information Disclosure Statements submitted in the earlier Application comply with 37 C.F.R. §1.98(a)-(c). All references cited in this Information Disclosure Statement were previously cited in Information Disclosure Statements filed in connection with the earlier Application. As such, in accordance with 37 C.F.R. §1.98(d), no copies of patents, publications or other information are included herewith.

**[X ] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.**

[ ] (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

[ ] (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

[ ] (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

**CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)**

[ ](3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

**CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)**

[ ](4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

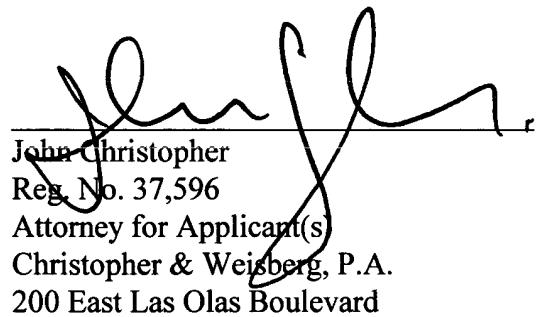
It is respectfully requested that the cited references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A be initialed and returned to us indicating that such information has been considered.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

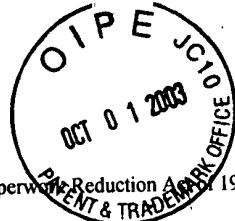
Respectfully submitted,

Dated: September 29, 2003

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<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p> <p>Sheet 1 of 4</p>				<b>Complete if Known</b>	
				Application Number	10/646,262
				Filing Date	August 22, 2003
				First Named Inventor	Donald J. Larnard, et al
Art Unit	Not yet Assigned				
Examiner Name	Not yet Assigned				
				Attorney Docket Number	22521-4CIP
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number- Kind Code <sup>2</sup> (if known)			
		US-2,190,384	02/13/1940	Newman	
		US-3,170,465	02/23/1965	Henney, et al.	
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STATEMENT BY APPLICANT

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of

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## Complete if Known

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		Number- Kind Code <sup>2</sup> (if known)			
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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Sheet 3 of 4



Complete if Known

Application Number	10/646,262
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Art Unit	Not yet Assigned
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Attorney Docket Number 22521-4CIP

U.S. PATENT DOCUMENTS

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		Number- Kind Code <sup>2</sup> (if known)			
		US-6,149,677	11/21/2000	Dobak, III	
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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		PCT WO 99/34758	07/15/1999			
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		RU SU1745238A1	07/13/1990			X
		RU SU1787026A3	08/09/1990			X
		RU 2100989C1	01/10/1998			X

Examiner Signature

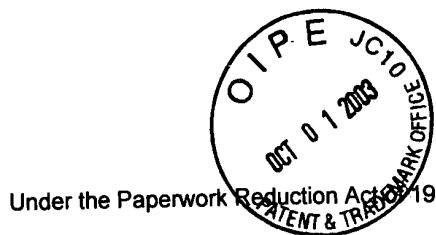
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<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				Application Number	10/646,262
				Filing Date	August 22, 2003
				First Named Inventor	Donald J. Larnard, et al
				Group Art Unit	Not yet Assigned
				Examiner Name	Not yet Assigned
Sheet	4	of	4	Attorney Docket Number	22521-4CIP

<b>OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Fay, "Early Experiences with Local and Generalized Regrigeration of the Human Brain", Temple Fay, M.D., Pgs. 239-260	
		Perov, et al., "Design of Thermodes for Cooling Sites of Cerebral Hemisphere Cortex in Chronic Tests", Sechenov Physiology Journal of the USSR, No. 7, 1983, Methods of Physiological Investigations, 5 pgs.	
		Connolly, et al., "The protective of hypothermia in cerebral ischemia: Experimental and clinical application by selective brain cooling in the human", Dept. of Surgery, Stanford Universti School of Medicine, Vol. 52, No. 1, July 1962, pgs. 15-24.	
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		Locke, et al., "Profound Selective Arterial Cooling of Brain without Pump or Oxygenator", Surgical Forum, 1965, 16: pgs. 421-2.	
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		Rybakov, "Method of Intra-Ventricle Hypothermia of Brain", 3 pgs.	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached  
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